

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended no claims. Accordingly, claims 1-16 and 22-27 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Reply to Examiner's Response to Arguments

As pointed out in the previous Non-Final Office Action response, the Applicant indicated at that time that there was no disagreement regarding Tatsumi having a bi-directional path. Figure 1 of Tatsumi refers to a "bi-directional path (122)" between the broadcaster (101) and the clients/receivers, not between the clients/receivers and proxy servers as claimed by the Applicant. What the Applicant meant to include was that Tatsumi does not teach intermediate proxy servers between the client and broadcaster. The Applicant appreciates the statement by the Examiner that Tatsumi does not teach proxy servers and that the Byers reference is relied upon for teaching the proxy servers.

The Applicant respectfully notes that the Examiner states that paragraph [0043], Fig. 3, of the Byers reference explicitly discloses a proxy server selection process performed by a client. The Applicant respectfully disagrees that the determining and selection process as claimed by the Applicant, is performed by the client in the Byers reference.

Byers discloses searching the Web for proxy server services and the list of services that meet a test criteria are used to retrieve query results from a target server (paragraph [0021]). In paragraph [0043], Byers recites a user interface (not shown) that is provided by a client (301) for a client server (302); indicating that the client and client server are different entities. Figure 3 also illustrates that the client and the client server are different entities. Byers states that the client server determines and selects a proxy server. As indicated in paragraph [0043] and associated figure 3 of the Byers reference, a distinction is made between the client and the client server. The Applicant respectfully submits that determining and selecting of proxy server services is not done by the client in Byers, but by the client server; the client server is the entity that performs "the method

of the invention". There is no indication in Byers that the client determines and selects a random, available proxy server.

The pertinent limitations in the Applicant's claim:

"...determining, by the plurality of clients, a plurality of available proxy servers that may be contacted for post-processing after the content data broadcast, wherein the plurality of clients is different from the plurality of proxy servers;

randomly selecting, by each of the plurality of clients, one of the plurality of available proxy servers to contact for post-processing after the content data broadcast;..."(emphasis added)

As indicated by the claim language, and supported throughout the Applicant's Specification, the client determines and selects the proxy servers. The Applicant reiterates that in Byers, the entity searching and compiling a list of proxy servers is not the client.

And, with regard to the reference to paragraph [0036] by the Examiner; the Applicant merely meant to indicate support in the Specification for the recited limitation not as an attempt to incorporate a limitation from the specification into the claims, i.e., the limitation "*...determining, by the plurality of clients, a plurality of available proxy servers that may be contacted for post-processing...*" has support in paragraph [0036], which states, "*Next, at step 220, the client identifies a list of available proxy servers to contact for post-processing*).

Paragraph [0019] states in lines 10-12, that "...a receiving unit receives data...from the broadcasting path or bidirectional communication path." As previously noted by the Examiner, there is no intermediate entity in Tatsumi; that is, the pathways

are direct from the transmitter to the receiver. This is different from the Applicant's invention, which claims a proxy server in the path between the broadcaster and the receiver/client in the bi-directional path. (Page 8, paragraph 2,

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 1-5, 7-16 and 22-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tatsumi, *et al.* (US 2002/0095636) in view of Byers, *et al.* (US 2009/0248843). The Applicant respectfully traverses the rejection of these claims. The

Applicant respectfully contends that all the limitations in the independent claims are not disclosed.

As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations."

As previously argued, the Tatsumi reference discloses direct communication between a broadcaster and clients. Tatsumi clearly states that there is a transmitter that corresponds to a receiver (paragraph [0020]). It is clear there is a point to point connection so that the broadcaster that sends data is also responsible for any retransmission. In Tatsumi, a problem exists that if there were a need for file recovery/retransmission all the clients would attempt to communicate with the broadcaster, which would cause congestion.

Tatsumi is cited as disclosing "... coupling the plurality of clients, each to a proxy server to initiate post-processing transactions the broadcaster communicating with the proxy server to provide sufficient information to handle any of the post-processing transactions requested by any one of the plurality of clients;...". The Applicant has reviewed the cited portions of Tatsumi and respectfully disagrees with the Examiner's interpretation of the Applicant's limitation and the application of the portion of Tatsumi to that limitation. Each of the plurality of clients in the Applicant's present invention is coupled to a proxy server as stated in the Abstract: "*The client subsequently randomly selects one of the available proxy servers to contact for post processing after the content data broadcast.*" As noted by the Examiner in paragraph 1 of the Response to Arguments in the present Office Action, Tatsumi does not teach proxy servers and Byers is cited for teaching intermediate proxy servers. That being the case, Tatsumi fails to disclose the subject limitation beginning "...coupling the plurality of client, each to a proxy server..."

The Byers reference proposes parallel random proxy usage for large scale web access. Byers is not about communications between a client and a random, intermediate proxy server. Byers is directed to improving the setting of requests in the Internet and to hide detection of a pattern that may be present in the queries (see Byers

paragraph [0045] and Byers teaches a client server choosing multiple random proxy servers to forward multiple queries to a target server to hide the identity of the client.

The Byers reference is directed towards "...posing a plurality of queries over a network to a target server using random proxy servers located on the network." And, "...because the target server actually receives the queries from different random servers on the network, patterns in the queries are difficult to detect and the identity of the server actually originating the queries is concealed." (para. [0007]). This last quote from paragraph [0007] in the Byers reference points towards the anonymization feature taught by the Byers reference which requires routing multiple queries through multiple servers; as disclosed in paragraph [0008], "The method is for retrieving a database view accessible by posing a plurality of queries over a network to a target server."

Byers lacks the post processing between a client and a proxy as claimed by the Applicant. The Applicant claims "a plurality of available proxy servers that may be contacted for post-processing after the content data broadcast". The Byers reference does not handle post processing between a client and a proxy, because after a query is sent it can't handle post processing. As stated in Byers in paragraph [0040] after a query is sent to a proxy server, "... the proxy server is removed from the list of available servers...". So, this prevents the server from performing post processing. Therefore, the Byers reference does not disclose this limitation.

The Applicant respectfully contends that a person skilled in the art would not look to Byers as Byers is not directed to broadcast transmission in a point to point manner as is Tatsumi, nor is Byers directed to random selection, by a client, of a proxy server. Byers discloses providing a number of proxy server services and ranking them on a list according to retrieval time (optimum, adequate and less than adequate). The Byers reference also discloses a testing phase for searching for available proxy server services by sending test queries.

The Applicant respectfully contends that a combination of Tatsumi and Byers does not teach or suggest the following limitation:

"...determining, by the plurality of clients, a plurality of available proxy servers that may be contacted for post-processing after the content data broadcast, wherein the plurality of clients is different from the plurality of proxy servers..." (excerpt from claim 1)

The Applicant respectfully refers the Examiner to the reasoning pointed out in the Reply to Examiner's Response to Arguments above.

The Tatsumi and Byers references, whether taken individually or together, do not disclose the recited limitations for various reasons as discussed above. Byers teaches a client server that performs the Byers method instead of a client that both determines and selects a proxy server. Tatsumi teaches a broadcaster to client (point to point) structure that would teach away from combining Tatsumi and Byers, because the point to point system requires direct communication between the broadcaster and the client and the use of a client server communicating with a target server via multiple proxy servers is an indirect system and definitely not point to point. Therefore, the Applicant respectfully submits that a *prima facie* case of obviousness has not been met and the Applicant requests the allowance of claim 1 and analogous claims 22 and 26.

Claims 2-5, 8-16, 23-25 and 27 depend from independent claims 1, 22 and 26 and recite further limitations in combination with the novel elements of the independent claims. Therefore, the allowance of claims 2-5, 8-16, 23-25 and 27 is respectfully requested.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tatsumi and Byers in view of Hudson, *et al.* (US 2003/0204613). The Applicant respectfully traverses the rejection of this claim.

The Hudson reference is cited for disclosing a digital rights manager. The Hudson reference teaches the use of a single "persistent network proxy server" (paragraphs [0045] – [0047]). "Content unit requests, as submitted by the client nodes are directed through the persistent network proxy server 46 to a host broker server 48. (para. [0047]) Hudson teaches directing requests through a single proxy server, not random proxy servers and multiple clients are associated with a single proxy server. Thus, a combination of Tatsumi, Byers and Hudson fails to disclose the limitations of claim 6, as the three systems are not mutually compatible.

Claim 6 depends from claim 1 and recites further limitations in combination with the novel elements of claim 1. Therefore, the Applicant respectfully submits that the

combination of these references does not teach all the limitations in claim 6 and the allowance of claim 6 is respectfully requested.

Prior Art Not Relied Upon

In paragraph 5 on page 9 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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